

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

EDWARD T. FITZWATER, et al.,
 Plaintiff(s),

vs.

BANK OF AMERICA, N.A.,
 Defendant(s).

Case No. 2:15-cv-00825-GMN-NJK

ORDER DENYING PROPOSED
 DISCOVERY PLAN

(Docket No. 26)

Pending before the Court is a proposed discovery plan (Docket No. 26) which, for the reasons set forth below, is **DENIED** without prejudice. First, the plan must state the number of days required for discovery. Local Rule 26-1(e)(1). The parties fail to do so. *See* Docket No. 26, at 2. Second, Local Rule 26-1(e)(1) establishes 180 days, measured from the date the first defendant answers or otherwise appears, as a presumptively reasonable time to complete discovery. Where more than 180 days of discovery are sought, the proposed discovery plan must provide an explanation why the parties believe additional time is required. Local Rule 26-1(d). In this case, Defendant answered on January 20, 2015. Docket No. 2-2, at 5-21. However, the proposed discovery plan requests a longer discovery period than 180 days without complying with Local Rule 26-1.

Third, the proposed discovery plan fails to state the calendar date for rebuttal expert witness disclosures. *See* Local Rules 26-3(e)(3). Fourth, the proposed discovery plan misstates Local Rule 26-4, in that it provides that requests to extend deadlines in the scheduling order need only be filed 20 days before the discovery cut-off. *See* Docket No. 26, at 3. Local Rule 26-4 requires that any request to extend

1 deadlines set forth in the scheduling order must be submitted at least 21 days before the subject deadline.
2 For example, any request to extend the deadline for initial expert disclosures must be filed at least 21 days
3 before the expiration of that deadline. Such a request filed only 20 days before the discovery cut-off would
4 be untimely.

5 Accordingly, the proposed discovery plan is hereby **DENIED**. The parties shall submit a revised
6 discovery plan no later than July 27, 2015, that complies with the Local Rules.

7 IT IS SO ORDERED.

8 DATED: July 20, 2015

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12 NANCY J. KOPPE
13 United States Magistrate Judge
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